

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV434-MU**

GREYSTONE DIGITAL, INC.,

Plaintiff,

v.

**CHESTER CREEK TECHNOLOGIES,
INC., JAMES F. GUSTAFSON, JACK
THOMAS, and MICHAEL E. ORMAN,**

Defendants.

ORDER

THIS MATTER comes before the Court on Defendants’ Motion to Dismiss or, in the Alternative, to Stay. As expressed in its concurrently issued order, it appears to the Court that personal jurisdiction in this case is founded solely on a consent judgement entered into between Plaintiff and Secret Seven Corporation (“Secret Seven”) in January of 2004. Personal jurisdiction, therefore, rises and falls on Plaintiff’s assertion that Defendant Chester Creek Technologies, Inc. (“Chester Creek”) is a mere continuation of Secret Seven.

Whether Chester Creek is a mere continuation of Secret Seven requires factual determinations that this Court is not yet prepared to make. To that end, the parties are directed to formulate a discovery plan geared solely towards the issue of whether Chester Creek is a mere continuation of Secret Seven, with a focus primarily towards depositions required to resolve that issue in a hearing before the Court. The parties are also directed to proceed with their initial disclosures as required by Rule 26(a) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Signed: March 1, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

